

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**IN RE: NEW ENGLAND
COMPOUNDING PHARMACY, INC.
PRODUCTS LIABILITY LITIGATION**

MDL No. 1:13-md-2419-FDS

This Document Relates To:

All Actions

**ORDER ON MOTION OF SAINT THOMAS ENTITIES
FOR ENTRY OF A SECOND AMENDED PROTECTIVE ORDER**

SAYLOR, J.

On November 25, 2013, defendants Saint Thomas West Hospital, formerly known as St. Thomas Hospital, Saint Thomas Network, and Saint Thomas Health (collectively, the “Saint Thomas Entities”) moved (Docket # 594) for an order entering a Second Amended Protective Order that amends the Amended Stipulated Protective Order of Confidentiality (Docket # 397) entered on August 16, 2013. In essence, the Saint Thomas Entities seek to modify the protective order in several respects.

After careful consideration, the motion will be granted in part and denied in part. A Second Amended Protective Order will enter with the following additional language at paragraphs 14.1, 21.1, and 23:

1. Nothing in this Order is intended to waive or affect the applicability of any privilege, work-product protection, or other protection provided by law. The parties may redact or withhold privileged or protected items, provided that they

produce a privilege log or similar accounting of such items in accordance with Fed. R. Civ. P. 26(b)(5), the Local Rules of the United States District Court for the District of Massachusetts, and any relevant order of the Court.

2. Nothing in this Order is intended to prevent any party or other person subject to the Order from seeking relief from the order, or a modification of its terms, in a particular matter should the circumstances so require.
3. Nothing in this Order is intended to waive or affect any rights provided by Tennessee Code Annotated 29-26-121 or any similar state law. For good cause shown, the Court may issue separate and/or supplemental protective orders applicable only to cases arising in a particular state jurisdiction.

The motion to enter a Second Amended Protective Order is otherwise denied.

So Ordered.

/s/ F. Dennis Saylor
F. Dennis Saylor IV
United States District Judge

Dated: January 15, 2014